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HSBC MORTGAGE CORPORATION (USA) AND  
HSBC BANK USA, N.A.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Philip Wong, Frederic Chaussy, and Leslie  
Marie Shearn, individually, on behalf of all  
others similarly situated, and on behalf of  
the general public,

Plaintiffs,

v.

HSBC Mortgage Corporation (USA);  
HSBC Bank USA, N.A.; and DOES 1  
through 50, inclusive,

Defendants.

Case No. C 07 2446 MMC [ECF]

**DECLARATION OF CHUI MEI HO IN  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION UNDER  
FED. R. CIV. P. 23**

Date: October 10, 2008  
Time: 9:00 a.m.  
Courtroom: 7 (19th Floor)  
Judge: Hon. Maxine M. Chesney

I, Chui Mei Ho, hereby declare and state:

1. I have personal knowledge of the facts set forth below. If called as a witness,  
I could and would testify to the following.

2. My given name is Chui Mei Ho. However, professionally, I go by the name  
of Abby Ho.

3. I am a Retail Mortgage Lending Consultant employed by HSBC Mortgage  
Corporation USA ("HMCU"). I have worked for HMCU since April 2006, in the Northern  
California Region. My manager is Amy Ku.

DECLARATION OF CHUI MEI HO

Case No. C 07 2446 MMC [ECF]

1           4. As a Retail Mortgage Lending Consultant, I sell loans to clients. I have been  
2 told to go out and get business how and from whatever sources I can. Since 2006, I have made my  
3 own schedule and have chosen how many hours to work per week. I am also permitted to work from  
4 any location.

5           5. When I began working for HMCU, "HSBC" was not a well known brand  
6 name in the Northern California Region, and there were only two branches of HSBC Bank USA,  
7 N.A. ("HSBC Bank") in the region. In the beginning, my sources of business were primarily  
8 referrals from friends and friends of friends. I met with clients at various locations, such as coffee  
9 shops or the client's house or office.

10          6. Because the HSBC brand name was not well known, I participated in many  
11 events in 2006 to increase sales. The first few months of my employment at HMCU, I went to two  
12 to three events per week to network and meet potential mortgage clients. I handed out flyers and  
13 gifts to people at street fairs and attended business development mixers and dinners two to three  
14 times per week, where I met people and handed out my business card.

15          7. I continued to go to these networking events occasionally in 2007, and I still  
16 try to go when I can. I also attend premier client events at the branches of HSBC Bank that I receive  
17 referrals from, which are held every three months. HMCU does not require me to attend networking  
18 events; however, I do so when I choose to develop more sales business.

19          8. I also periodically take current and former clients to lunch or dinner to  
20 develop sales relationships. Building relationships with employees of HSBC Bank is also important  
21 to be successful. I spend a lot of time chatting with bankers or taking them to lunch, so that they will  
22 refer business to me.

23          9. Currently, my primary sources of business are referrals from branches of  
24 HSBC Bank and referrals from past clients, friends and friends of friends. I also get some calls from  
25 realtors who refer their clients to me.

26          10. I am currently the designated person to receive referrals from two branches of  
27 HSBC Bank: the branch on Irving Street in San Francisco, California and the branch in Millbrae,  
28 California. In 2007, I was the designated person to receive referrals from three HSBC Bank

1 branches: the branch in Cupertino, California; the branch in Fremont, California; and the branch on  
2 Montgomery Street in San Francisco, California.

3 11. The bankers at these branches know me and have my contact information. If I  
4 am not at a bank branch and a customer asks about mortgages, a banker will contact me or give my  
5 business card to the customer. It is important for me to build good business relationships with the  
6 bank employees, so they will refer business to me. The relationship between HMCU and HSBC  
7 Bank is mutual, as I also refer my clients to HSBC Bank for their banking needs.

8 12. After a client is referred to me, I work directly with the client. I schedule my  
9 own appointments with potential clients. On average, I see three or four clients a day. I do my own  
10 scheduling and make my own decisions regarding the number of clients I see each day and when and  
11 where I will meet them.

12 13. When I began working at HMCU, I attended a two week training in Buffalo,  
13 New York. My region also has monthly meetings where my manager discusses various topics with  
14 lending consultants.

15 14. Most days, I do not see my manager, Amy Ku, in person; I email her when I  
16 have questions or need her help with closing a loan.

17 15. Every workday is different. The number of potential clients I meet with per  
18 day varies. Sometimes I finish working at 5:00 p.m., and sometimes I work as late as 8:00 p.m.

19 16. Since 2007, I sell mostly premier mortgages, which are mortgages to clients  
20 who have more than \$100,000 in deposits with HSBC Bank. I receive a lot of referrals from  
21 managers of HSBC Premier Banks, and I concentrate on selling to premier clients. This has been  
22 my choice to focus on this clientele.

23 17. The typical process to sell a mortgage includes the following: First, there is  
24 the initial meeting and discussion process with the client. Every client is different and some clients  
25 require a lot of back and forth before they will commit to applying for a loan. I assess clients' needs  
26 and financial status and then identify mortgage options for which they will qualify. I then discuss  
27 the options with the client and hopefully the client will apply. Second, is the application process. I  
28 gather the documents from the client and complete the loan application paperwork. Third, I submit

1 the documents to the underwriter who approves or declines the loan. Fourth, I discuss the status  
 2 with my client and work with my client to close the loan. I call the title company to connect with the  
 3 underwriter to close the loan. I have to ensure the loan is closed because there is no sale unless the  
 4 loan is funded.

5 18. During the loan process, I have to use my own judgment under HSBC  
 6 Mortgage guidelines in how to deal with customers and what extra things I may need to do for the  
 7 customer to close the deal.

8 19. I am paid on a commission basis under an Incentive Plan.

9 20. Under the compensation plan, the amount of my incentive commissions is  
 10 determined at the end of the month based on the amount of mortgages I sold that were closed. I  
 11 receive a report from my manager each month that shows how much I will earn in incentive  
 12 commissions.

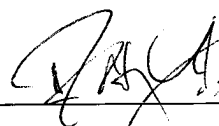
13 21. For the first year of my employment, I received a basic salary. Now, I receive  
 14 a draw at the beginning of each month.

15 22. My manager, Amy Ku, has told me that I must collect credit card information  
 16 from clients upfront to cover the loan application fees. If the mortgage closes, the amount of the fee  
 17 is refunded to the client. If the mortgage does not close, however, the client is not refunded the fee.  
 18 If I fail to collect the fee and the mortgage does not close, then that amount is deducted from my  
 19 commissions.

20 23. I have received 3 or 4 notices from Plaintiffs' counsel about this lawsuit. I  
 21 chose not to join this lawsuit.

22 I declare under penalty of perjury under the laws of the State of California and the  
 23 United States of America that the foregoing declaration is true and correct to the best of my personal  
 24 knowledge.

25 Executed this 19 day of September, 2008, in Millbrae, California.

26  
 27   
 28 CHUI MEI HO